

FRANK PALLONE, JR., NEW JERSEY
CHAIRMAN

CATHY McMORRIS RODGERS, WASHINGTON
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

May 12, 2022

Evan Spiegel
CEO
Snap Inc.
3000 31st Street
Santa Monica, CA 90405

Mr. Spiegel:

Secretary Alejandro Mayorkas recently announced that the Department of Homeland Security (DHS) created a “Disinformation Governance Board” that is supposedly charged with “safeguarding the United States against threats to its security, including threats exacerbated by disinformation.”¹ White House Press Secretary Jen Psaki framed the board’s purpose as to “prevent disinformation and misinformation from traveling around the country in a range of communities.”² Following the creation of this board, President Joe Biden stated that “[t]his MAGA crowd is really the most extreme political organization that’s existed in American history.”³ Given the Biden administration’s transparent disdain for the First Amendment and President Biden’s de facto designation of tens of millions of Americans as political enemies, the creation of this board is incredibly dangerous and deeply troubling.

Additionally, Nina Jankowicz, the Biden administration’s handpicked “disinformation expert” to helm the board, raises even more concerns. Ms. Jankowicz has a history of hostility to free speech and herself spread false information:

¹ Department of Homeland Security, *Fact Sheet: DHS Internal Working Group Protects Free Speech and Other Fundamental Rights When Addressing Disinformation That Threatens the Security of the United States*, (May 2, 2022), available at <https://www.dhs.gov/news/2022/05/02/fact-sheet-dhs-internal-working-group-protects-free-speech-other-fundamental-rights>

² The White House, *Press Briefing by Press Secretary Jen Psaki*, (Apr. 28, 2022), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2022/04/28/press-briefing-by-press-secretary-jen-psaki-april-28-2022/>

³ Steven Nelson, *Biden says MAGA ‘most extreme’ group in recent US history, warns gays may face segregation*, NY Post (May 4, 2022), available at https://nypost.com/2022/05/04/biden-calls-maga-most-extreme-group-in-american-history/?utm_medium=SocialFlow&utm_campaign=SocialFlow&utm_source=NYPTwitter

- In response to Elon Musk's bid to buy Twitter, Jankowicz stated: "I shudder to think about if free speech absolutists were taking over more platforms, what that would look like for marginalized communities...which are already shouldering...disproportionate amounts of this abuse."⁴
- Ms. Jankowicz promoted the work of Christopher Steele, the author of one of the most infamous "disinformation" political operations in U.S. history and dismissed Hunter Biden's laptop as "a Trump campaign product."⁵

Although all Americans should be concerned by this new board, sadly, no one should be surprised. President Biden has weaponized his administration to silence certain individuals and censor certain speech since day one of his presidency. The following are just a handful of examples of this administration's attempts to undermine the First Amendment:

- On July 15, 2021, Surgeon General Murthy demanded "tech and social media companies [] do more to address" perceived health misinformation,⁶ and Press Secretary Psaki revealed that the administration was actively monitoring online speech and in "regular touch with" social media companies about censoring speech flagged by the administration.⁷
- On February 1, 2022, Press Secretary Psaki criticized Spotify for not doing "more" to Joe Rogan because the White House did not agree with statements made by certain guests on The Joe Rogan Experience.⁸
- On March 3, 2022, Surgeon General Murthy formally requested technology companies submit information about COVID-19 misinformation, including information about specific individuals who are considered to be "sources of COVID-19 misinformation."⁹

⁴ Priscilla Alvarez and Sean Lyngaas, *Biden administration defends disinformation board from fierce GOP criticism*, CNN, (May 2, 2022), available at <https://www.cnn.com/2022/05/02/politics/dhs-disinformation-board/index.html>

⁵ Jerry Dunleavy, *Biden 'disinformation' chief a Trump dossier author fan and Hunter Biden laptop defender*, Washington Examiner (Apr. 28, 2022), available at <https://www.washingtonexaminer.com/news/bidens-disinformation-chief-is-trump-dossier-author-fan-and-hunter-laptop-doubter>

⁶ U.S. Department of Health and Human Services, *U.S. Surgeon General Issues Advisory During COVID-19 Vaccination Push Warning American Public About Threat of Health Misinformation* (July 15, 2021), available at <https://www.hhs.gov/about/news/2021/07/15/us-surgeon-general-issues-advisory-during-covid-19-vaccination-push-warning-american.html>

⁷ *Id.*

⁸ Steven Nelson, *Psaki cheers Spotify warning on COVID podcasts, says 'more' should be done*, New York Post (Feb. 1, 2022), available at <https://nypost.com/2022/02/01/psaki-cheers-spotify-warning-on-joe-rogers-covid-podcasts/>

⁹ U.S. Department of Health and Human Services, *Impact of Health Misinformation in the Digital Information Environment in the United States Throughout the COVID-19 Pandemic Request for Information*, (Mar. 4, 2022), available at <https://public-inspection.federalregister.gov/2022-04777.pdf>

- As mentioned above, on May 4, 2022, President Biden labeled Republicans as “the most extreme political organization” in our history, a not so subtle signal to Secretary Mayorkas.¹⁰

According to DHS, the Department will “identify disinformation that threatens the homeland through publicly available sources, research conducted by academic and other institutions, and information shared by federal agencies and partners” and will engage on this subject with “external stakeholders.”¹¹ We fully expect this will mean DHS will seek information from your company about conservative users, since President Biden has essentially identified them as political enemies.

Notably, the Biden administration has a history of pressuring your company to censor certain speech and silence individuals, and we are concerned the creation of this board will result in an increase in such efforts. Accordingly, we ask that you respond to the following no later May 26, 2022:


1. If the Biden administration, through the “Disinformation Governance Board” or otherwise, requests information from your company about political speech posted on your platform, will you comply?
2. If the Biden administration, through the “Disinformation Governance Board” or otherwise, requests information from your company about certain users because of political speech posted on your platform by such users, will you comply?
3. Has the Biden administration, through the “Disinformation Governance Board” or otherwise, requested that your company remove specific posts related to political speech on your platform?
 - a. If yes, please disclose the date of such outreach, the specific request that was made, whether you complied with such request, and what, if any, information was shared.
4. Has the Biden administration, through the “Disinformation Governance Board” or otherwise, requested that your company suspend or ban users because of political speech posted on your platform?
 - a. If yes, please disclose the date of such outreach, the specific request that was made, whether you complied with such request, and what, if any, information was shared.
5. Has the Biden administration, through the White House executive offices, engaged with your company, through the “Disinformation Government Board” or otherwise, to limit access to content?

¹⁰ Dunleavy, *supra* note 5.

¹¹ Department of Homeland Security, *supra* note 1.

- a. Please identify the individuals from the White House who have requested to have content removed, blocked, and/or access to such content degraded.
Please identify the specific content upon which such actions were requested.
- b. Please provide the date and times of all such requests from the Biden administration.

Sincerely,



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce



Robert E. Latta
Ranking Member
Subcommittee on Communications
and Technology



Gus M. Bilirakis
Ranking Member
Subcommittee on Consumer Protection
and Commerce